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**TRANSMITTAL  
FORM**

(to be used for all correspondence after initial filing)

|   |                             |                               |               |
|---|-----------------------------|-------------------------------|---------------|
| <b>TRANSMITTAL<br/>FORM</b><br>(to be used for all correspondence after initial filing) | <b>Application Number</b>   | 09/280,421                    |               |
|   | <b>Filing Date</b>          | March 29, 1999                |               |
|   | <b>First Named Inventor</b> | Sezan, et. al.                |               |
|   | <b>Art Unit</b>             | 2611                          |               |
|   | <b>Examiner Name</b>        | Reuben M. Brown               |               |
| <b>Total Number of Pages in Submission</b>  |                             | <b>Attorney Docket Number</b> | KLR 7146.0028 |

**ENCLOSURES (Check all that apply)**

|  |   |   |
|--|---|---|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application<br><input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input checked="" type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance communication to Technology Center (TC)<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| <b>Remarks</b><br>Copy of 8/5/2004 PTO Petition on revival; and a return postcard. Commissioner authorized to charge any additional fees to Deposit Account 03-1550  |   |   |

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT****RECEIVED**

|                                |  |   |
|--------------------------------|--|---|
| <b>Firm Or Individual Name</b> | Kevin L. Russell, Esq.<br>Chernoff, Vilhauer, McClung & Stenzel, LLP<br>1600 ODS Tower<br>601 S.W. Second Avenue<br>Portland, OR 97204 | <b>AUG 24 2004</b><br><b>Technology Center 2600</b> |
| <b>Signature</b>               |  |   |
| <b>Date</b>                    | August 16, 2004  |   |

**CERTIFICATE OF TRANSMISSION/MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

|                              |                                   |             |                 |
|------------------------------|-----------------------------------|-------------|-----------------|
| <b>Typed or Printed Name</b> | Kevin L. Russell, Reg. No. 38,292 |             |                 |
| <b>Signature</b>             |                                   | <b>Date</b> | August 16, 2004 |



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AUG 05 2004

OFFICE OF PETITIONS

In re Application of  
M. Ibrahim Sezan, et al.  
Application No. 09/280,421  
Filed: March 29, 1999  
Attorney Docket No. KLR:7146.028

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ON PETITION

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AUG 24 2004

This is a decision on the petition under 37 CFR 1.137(b), filed on June 29, 2004, to revive the above-identified application. Technology Center 2600

The petition is GRANTED.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed December 23, 2003, which set a shortened statutory period for reply of three(3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on March 24, 2004.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the \$950.00 extension of time submitted with the petition on June 29, 2004 was subsequent to the maximum extendable period for reply, the extension of time filed with the instant petition is unnecessary and the fee will be credited to petitioner's deposit account.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to Cheryl Gibson-Baylor at (703)308-5111.

The application file is being forwarded to Technology Center 2600, Art Unit 2611.

*Cheryl Gibson-Baylor*

Cheryl Gibson-Baylor  
Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

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